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Attorney Docket No. 23861.00

Customer No. 37833

Confirmation No. 6125

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE *PATENT* APPLICATION OF:

APPLICANT : **SANDY BALLARD**

APPL. NO. : **10/721,238**

ART UNIT : **3765**

FILED : **November 26, 2003**

EXAMINER : **HOEY, A.**

FOR : **CLOTHING FOR ALZHEIMER'S PATIENTS**

MAIL STOP AMENDMENT
COMMISSIONER FOR PATENTS
P.O. BOX 1450
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RESPONSE TO ELECTION REQUIREMENT

Sir:

In the Office action dated April 10, 2006, the Examiner required an election of species under 35 U.S.C. § 121 prior to an examination on the merits of application. The separate species of the claimed invention as identified by the Examiner are as follows:

- A) A shirt garment - Claims 1-8;
- B) A pant garment - Claims 9-16; and
- C) A dress and gown - Claims 17-24.

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In compliance with the Examiner's requirement, Applicant provisionally elects with traverse for further prosecution the shirt garment embodiment designated as species A. The Examiner has indicated that Claims 1-8 are readable on the elected species.

Notwithstanding the propriety of the election requirement for examination purposes, Applicant contends that she should be entitled to a consideration of a reasonable number related embodiments falling within the scope of a generic inventive concept, namely, clothing for Alzheimer's patients. Moreover, it would appear that a search and examination of the entire application could be accomplished without a serious burden on the Examiner since the multiple embodiments identified of record would seemingly encompass a common field of search.

Accordingly, it is respectfully requested that the Examiner withdraw the election requirement, and issue an action on the merits of all the embodiments presently in the case. Alternatively, should the Examiner maintain the requirement and make it final, Applicant awaits a complete action on the merits of the elected subject matter.

Respectfully submitted,


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